

ESTTA Tracking number: **ESTTA274846**

Filing date: **03/27/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91184415
Party	Defendant Da Vinci Center, L.L.C.
Correspondence Address	MICHAEL B. CHESAL KLUGER PERETZ KAPLAN & BERLIN, P.L. 201 S BISCAYNE BLVD FL 17 MIAMI, FL 33131-4325 UNITED STATES trademarks@kpkb.com
Submission	Motion to Extend
Filer's Name	Paul L. Kobak
Filer's e-mail	pkobak@kpkb.com, mchesal@kpkb.com, sdossantos@kpkb.com, trademarks@kpkb.com
Signature	/Paul L. Kobak/
Date	03/27/2009
Attachments	Motion for Extension of Time to Respond to Discovery (M0634387).PDF (2 pages)(21693 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 77/321,258
Published in the Official Gazette of April 8, 2008

INTUITIVE SURGICAL, INC.)	
)	Opposition No.: 91184415
Opposer,)	
)	Trademark: DA VINCI CENTER
v.)	
)	Filed: November 5, 2007
DA VINCI CENTER, L.L.C.,)	
)	
Applicant.)	
_____)	

MOTION FOR EXTENSION OF TIME TO RESPOND TO DISCOVERY

Applicant, DA VINCI CENTER, L.L.C., (“Da Vinci Center”), pursuant to 37 C.F.R. § 2.120(a), moves for an extension of time to respond to the Interrogatories, Requests for Production, and Requests for Admissions served by Opposer, Intuitive Surgical, Inc. (“Intuitive”), and in support thereof states as follows:

1. On or about February 17, 2009, Intuitive propounded discovery upon Da Vinci Center consisting of a First Request for Production of Documents, First Set of Interrogatories, and First Request for Admissions (collectively, the “First Set of Discovery”) via undersigned counsel.
2. Responses to the First Set of Discovery were originally due to be served by March 24, 2009, but pursuant to agreement of the parties, the time to respond was reset to March 27, 2009.
3. The law firm of Kluger Peretz Kaplan & Berlin, PL (“KPKB”) – the firm of record for Da Vinci Center – is currently undergoing major restructuring, which directly affects the entire intellectual property practice group of KPKB.
4. Although responses are in process, Da Vinci Center and its counsel have been unable to complete the responses to Intuitive’s First Set of Discovery Due to the recent

restructuring of KPKB. Da Vinci Center therefore requests an extension of time of two additional weeks to serve responses to the First Set of Discovery, until April 10, 2009.

5. Counsel for Da Vinci Center explained to Intuitive's counsel why it needed additional time to respond to the discovery requests; however, Intuitive agreed to extend Da Vinci Center's time to respond only by a few additional days, until Wednesday, April 1, 2009.

WHEREFORE, Applicant, DA VINCI CENTER, L.L.C., requests an extension of time to serve responses to the First Set of Discovery until April 10, 2009.

KLUGER, PERETZ, KAPLAN & BERLIN, P.L.
Miami Center, Seventeenth Floor
201 So. Biscayne Blvd.
Miami, Florida 33131
Telephone: (305) 379-9000
Facsimile: (305) 379-3428

By: s/Paul L. Kobak
Michael B. Chesal
Paul L. Kobak
Attorneys for Applicant

CERTIFICATE OF SERVICE

I hereby certify that on March 27, 2009, a copy of the foregoing was served via U.S. Mail and email to Michelle D. Kahn (MKahn@sheppardmullin.com) and Michelle Hirth (MHirth@sheppardmullin.com), Sheppard, Mullin, Richter, & Hampton, LLP, 4 Embarcadero Center, 17th Floor, San Francisco, CA, 94111-4109.

By: s/Paul L. Kobak